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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,391	03/16/2000	Hideki Yamao	FUJ-17.041	1556
26304	7590	03/09/2006	EXAMINER TIEU, BINH KIEN	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 2643	PAPER NUMBER

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/526,391

Applicant(s)

YAMAO, HIDEKI

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/11/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments, see Applicant's remarks, filed 11/04/2005, with respect to the rejection(s) of claim(s) 1-9 under combination of previous cited references have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Isomursu et al. (US. Pat. #: 6,400,958), as followings.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 5-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara (US. Pat. No.: 6,064,880) in view of Bufferd et al. (US. Pat. #: 5,706,330) and Isomursu et al. (US. Pat. #: 6,400,958), and further in view of Lee (US. Pat. #: 5,517,549) or Krolopp et al. (US. Pat. #: 4,811,377) or Smith (US. Pat. #: 4,630,314).

Regarding claim 1, Alanara teaches a mobile station having a backup and restoration function wherein one can request backup of memory information and then receiving a backup control signal from a maintenance system in (see col.2, cols. 4-5 and figs.).

Furthermore, Alanara teaches all information including programming parameter data and so forth can be stored in the backup memory of the maintenance system in (see col. 7 lines 51-62).

Alanara teaches having to contact the mobile phone to implement the information transfer or backup but fails to teach using a dialing means.

Bufferd teaches a method and apparatus for requesting and transferring information wherein a maintenance unit can call by using a dialing unit to retrieve information in (see col.10 lines 4-11). It should be also noticed that Bufferd fails to teach the dialing up using the parameters such as a code (i.e., a name or password, etc.) and a number of a (new) portable telephone set wherein the owner enters such code and number, as argued by the Applicant. However, Isomursu et al. ("Isomursu") teaches such features in col.7, lines 39-51 for a purpose of downloading of stored Short Dial application content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bufferd and Isomursu into that of Alanara

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thus making it possible to implement information transfer via a dial up unit, to store the information for backup reasons and also provide efficiency.

The combination fails to teach erasing the memory of device, once data has been transferred or received.

Lee teaches a call logging in cellular subscriber stations wherein a call log can be accessed and retrieved from a memory of a telephone device by an external device and erasing the information in the memory in (see claims 7, 14 and col.10, lines 16-24).

Krolopp et al. ("Krolopp") teaches a secure transfer of radio data in (see col.5, line 55 – col.6) that transmitted data to a receiving end causes the data in the transmitter to be erased after being transmitted and received by a receiving unit.

Smith teaches a communication system wherein a transmitting device erases data after it's been transmitted or transferred in (see col.21, lines 19-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the secondary references into the combination thus making it possible to conserve memory space, reduce and storage redundancy.

Regarding claim 2, the combination renders obvious the possibility of storing any information desired in a memory such as conventional data including call log, preferences and so forth. Furthermore, see the explanation as set forth regarding claim 1.

Regarding claim 3, Alanara teaches a mobile station having a backup and restoration function wherein one can request backup of memory information and then receiving a backup control signal from a maintenance system in (see col.2, cols.4-5 and figs.).

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Furthermore, Alanara teaches all information including programming parameter data and so forth can be stored in the backup memory of the maintenance system in (see col.7, lines 51-62).

Alanara teaches having to contact the mobile phone to implement the information transfer or backup but fails to teach using dialing means.

Bufferd teaches a method and apparatus for requesting and transferring information wherein a maintenance unit can call by using a dialing unit to retrieve information in (see col.10, lines 4-11). It should be also noticed that Buffed fails to teach the dialing up using the parameters such as a code (i.e., a name or password, etc.) and a number of a (new) portable telephone set wherein the owner enters such code and number, as argued by the Applicant. However, Isomursu et al. ("Isomursu") teaches such features in col.7, lines 39-51 for a purpose of downloading of stored Short Dial application content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bufferd and Isomursu into that of Alanara thus making it possible to implement information transfer via a dial up unit, to store information for backup reasons and also, provide efficiency.

The combination fails to teach erasing the memory of device, once data has been transferred or received.

Lee teaches a call logging in cellular subscriber stations wherein a call log can be accessed and retrieved from a memory of a telephone device by an external device and erasing the information in the memoœ in (see claims 7, 14 and col.10, lines 16-24).

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Krolopp teaches a secure transfer of radio data in (see col.5, line 55 - col.6) that transmitted data to a receiving end causes the data in the transmitter to be erased after being transmitted and received by a receiving unit.

Smith teaches a communication system wherein a transmitting device erases data after it's been transmitted or transferred in (see col.21, lines 19-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of the secondary references into the combination thus making it possible to conserve memory space, reduce and storage redundancy.

Regarding claim 5, the combination including Alanara teaches any of information in (see col.7).

Regarding claim 6, The examiner takes official notices that it's known to store information or messages of a network for a time period after which it can be erased. Examples include voice messages and so forth.

Regarding claim 10, Isomursu further teaches the limitations of the claim in col.7, lines 39-51.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara (US. Pat. No.: 6,064,880) in view of Bufferd et al. (US. Pat. #: 5,706,330) and Isomursu et al. (US. Pat. #: 6,400,958), and further in view of Lee (US. Pat. #: 5,517,549) or Krolopp et al. (US. Pat. #: 4,811,377) or Smith (US. Pat. #: 4,630,314) and further in view of Mills (US. Pat. #: 5,915,225).

Regarding claim 4, the combination fails to teach making a request to a phone in a busy state.

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Mills teaches remotely retrieving SIM stored data over a communication link wherein the request can be made to me telephone even in a busy state in (see col.3, lines 34-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mills into that of the combination thus making it possible to program and communicate with devices even in a busy state without having to wait till it goes on-hook to save waiting/programming time. Furthermore, trouble tickets can be generated and a user can be notified of it in form of a control number or ticket number.

6. Claims 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara (US. Pat. #: 6,064,880) in view of Bufferd et al. (US. Pat. #: 5,706,330) and Isomursu et al. (US. Pat. #: 6,400,958).

Regarding claims 7-8, Alanara teaches a mobile station having a backup and restoration function wherein one can request backup of memory information and then receiving a backup control signal from a maintenance system in (see col.2, cols. 4-5 and figs.).

Furthermore, Alanara teaches all information including programming parameter data and so forth can be stored in the backup memory of the maintenance system in (see col.7, lines 51-62).

Alanara teaches having to contact the mobile phone to implement the information transfer or backup but fails to teach using a dialing means.

Bufferd teaches a method and apparatus for requesting and transferring information wherein a maintenance unit can call by using a dialing unit to retrieve information in (see col.10, lines 4-11). It should be also noticed that Buffed fails to teach the dialing up using the

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parameters such as a code (i.e., a name or password, etc.) and a number of a (new) portable telephone set wherein the owner enters such code and number, as argued by the Applicant.

However, Isomursu teaches such features in col.7, lines 39-51 for a purpose of downloading of stored Short Dial application content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bufferd and Isomursu into that of Alanara thus making it possible to implement information transfer via a dial up unit, to store information for backup reasons and also, provide efficiency.

Regarding claims 11-12, Isomursu further teaches the limitations of the claims in col.7, lines 39-51.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alanara (US. Pat. #: 6,064,880) in view of Bufferd et al. (US. Pat. #: 5,706,330) and Isomursu et al. (US. Pat. #: 6,400,958) and further in view of Gordon (US. Pat. #: 6,157,708).

Regarding claim 9, Alanara teaches a mobile station having a backup and restoration function wherein one can request backup of memory information and then receiving a backup control signal from a maintenance system in (see col.2, cols. 4-5 and figs.).

Furthermore, Alanara teaches all information including programming parameter data and so forth can be stored in the backup memory of the maintenance system in (see col.7, lines 51-62).

Alanara teaches having to contact the mobile phone to implement the information transfer or backup but fails to teach using a dialing means.

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Bufferd teaches a method and apparatus for requesting and transferring information wherein a maintenance unit can call by using a dialing unit to retrieve information in (see col.10, lines 4-11). It should be also noticed that Buffed fails to teach the dialing up using the parameters such as a code (i.e., a name or password, etc.) and a number of a (new) portable telephone set wherein the owner enters such code and number, as argued by the Applicant. However, Isomursu teaches such features in col.7, lines 39-51 for a purpose of downloading of stored Short Dial application content.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bufferd and Isomursu into that of Alanara thus making it possible to implement information transfer via a dial up unit, to store information for backup reasons and also, provide efficiency.

The combination fails to teach suppressing a ring signal when the communication device (mobile phone) is dialed or contacted.

Gordon teaches a telephone device, which can responds to an incoming call and deactivate a ringing circuit in (see figs. and disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gordon into that of the combination thus making it possible to upload or download information without disturbing users with ringing signals.

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bufferd et al. (US. Pat. #: 5,706,330) in view of Isomursu et al. (US. Pat. #: 6,400,958) and Gordon (US. Pat. #: 6,157,708).

Regarding claim 9, Bufferd teaches a telephone unit which receives an incoming call request for information (CDR) and then transmitting information to a database server beyond a wireless network in (see col.10, lines 4-12).

Bufferd fails to teach de-activating a ring signal when a call comes in and fails to teach the dialing up using the parameters such as a code (i.e., a name or password, etc.) and a number of a (new) portable telephone set wherein such code and number are entered by the owner, as argued by the Applicant.

Isomursu teaches such features in col.7, lines 39-51 for a purpose of downloading of stored Short Dial application content.

Gordon teaches a telephone device, which can responds to an incoming call and de-activate a ringing circuit in (see figs. and disclosure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Isomursu and Gordon into that of the combination thus making it possible to upload or download information without disturbing users with ringing signals.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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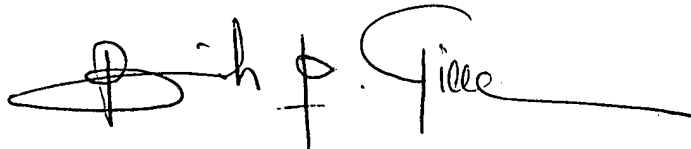
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A handwritten signature in black ink, appearing to read 'Binh Tieu', with a long horizontal line extending to the right.

**BINH TIEU**  
**PRIMARY EXAMINER**

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Date: March 06, 2006